

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

FILED
RICHARD W. NAGEL
CLERK OF COURT

2022 JUL 22 PM 3:09

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

ANDREW SMIGELSKI,

Plaintiff

V.

GREGG CLULEY et al.

Civil Action 2:20-cv-4812

Judge Sarah D. Morrison

Magistrate Judge Kimberly Jolson

Motion for Leave to Extend Time for Plaintiff to File Discovery

Plaintiff Pro Se, Andrew Smigelski, moves the court to extend the deadline to allow him to produce additional discovery evidence.

As noted in Plaintiff's Motion to Compel *Docket Entry 98*, Plaintiff currently has submitted a Motion to Compel the subpoenas that have been completely ignored or blanket-objected to. These subpoenas were originally submitted in January of this year, and were ordered to be served by the US Marshals service. Unfortunately, for reasons that neither the US Marshals Service, nor Clerk of Courts, could answer, those subpoenas were seemingly never served. **Exhibit A** documents these subpoenas being sent to defense counsel in January.

The current round of pending subpoenas, served by Plaintiff via certified mail, is substantially the same as those that went out in January, although the subpoenas have been curtailed in line with the guidance of the Court's opinion and order. These subpoenas were sent in May, as documented by **Exhibit B**.

As ordered by the court, Plaintiff made an attempt to confer with the subpoenaed parties, including those represented by defense counsel, but those conversations were unsuccessful. Plaintiff needs the evidence from these subpoenas before he can move forward with his case.

Additionally, Plaintiff has possibly relevant paper evidence that he has tried to share with defense counsel several times, going back to at least January of this year. Again, unfortunately these attempts have been unsuccessful. Initially, Plaintiff was in talks with defense counsel Anthony Rash to produce the

documents to a copying service in Lancaster, but those plans seem to have fallen through. More recently, Plaintiff brought the box of paper evidence with him to his deposition, although defense counsel seemed uninterested in viewing/inspecting/copying the evidence at that time.

Plaintiff apologizes if he has missed a discovery deadline. Having never worked a case like this before, Plaintiff lacks the resources and case management skills of a more experienced actual attorney.

Plaintiff does not believe that an extension for him to produce discovery would be prejudicial to the defendants. The defendants produced dispositive motions for summary judgment on July 18, in line with the previous scheduling order. Plaintiff would have no objection to the defendants being able to modify, amend, and resubmit their dispositive motions at a later scheduled date, if they would like to incorporate the additional discovery evidence.

Plaintiff is requesting an additional two months from the current date to engage in and produce discovery. This would give the Court time to rule on the Motion to Compel production of Subpoenas, and would give additional time for Plaintiff to find a way that is not unduly burdensome, to produce the evidence that he has already repeatedly proffered. Additionally, Plaintiff would request that the deadlines for submission of dispositive motions, and the response to those motions, also be moved back two months, until this discovery matter is resolved.

/s/Andrew Smigelski

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CERTIFICATE OF SERVICE

I, Andrew Smigelski, the Plaintiff Pro Se, certify that copies of the above Plaintiff's Motion for Leave to Extend time to file Discovery have been served upon the counsel for Defendants Mowery, Gabriel, Skinner, and Cluley via email on July 20, 2022.

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